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11 Attorneys for Defendants
12 IMPAX LABORATORIES, INC., LARRY HSU,
ARTHUR A. KOCH and BRYAN M. REASONS

13 UNITED STATES DISTRICT COURT
14
15 NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN FRANCISCO DIVISION

18 HAVERHILL RETIREMENT SYSTEM,
19 Individually and on Behalf of All Others
20 Similarly Situated,

21 Plaintiff,

22 vs.

23 IMPAX LABORATORIES, INC., LARRY
24 HSU, ARTHUR A. KOCH and BRYAN M.
25 REASONS

26 Defendants.

27 Case No.: 13-cv-1566-EMC

28 **STIPULATION AND [PROPOSED]
SCHEDULING AND RESCHEDULING
INITIAL CASE MANAGEMENT
CONFERENCE ORDER**

29 Class Action

1 Plaintiff Haverhill Retirement Center, individually and on behalf of all others similarly
 2 situated, by and through his respective counsel (“Plaintiff”), and defendants Impax Laboratories,
 3 Inc., Larry Hsu, Arthur A. Koch, and Bryan M. Reasons, by and through their respective
 4 counsel, (collectively, “Defendants”), hereby stipulate to the following:

5 WHEREAS, on April 8, 2013, Plaintiff filed a complaint captioned *Haverhill Retirement*
 6 *System v. Impax Laboratories, Inc. et al.*, No. 13-cv-1566, a purported class action under the
 7 Private Securities Litigation Reform Act of 1995 (the “PSLRA”) alleging securities fraud, which
 8 was assigned to Judge Charles R. Breyer;

9 WHEREAS, pursuant to the April 8, 2013 Case Management Conference Order (Dkt.
 10 #8), the Initial Case Management Conference is scheduled for July 12, 2013;

11 WHEREAS, pursuant to the April 19, 2013 Related Case Order, the *Haverhill Retirement*
 12 *System v. Impax Laboratories, Inc. et. al.*, No. 13-cv-1566, was reassigned to Judge Edward M.
 13 Chen;

14 WHEREAS, the Complaint asserts claims under the federal securities laws that are
 15 subject to the procedural requirements of the PSLRA, including those set forth in 15 U.S.C. §
 16 78u-4;

17 WHEREAS, Defendants presently intend to file a motion to dismiss, which would trigger
 18 a stay of discovery under the PSLRA, 15 U.S.C. § 78u-4(b)(3)(B);

19 WHEREAS, under the PSLRA, the Court may come to consider consolidation of the
 20 complaint already filed, along with any further complaints that may be filed arising out of the
 21 same set of facts and circumstances as the existing complaint;

22 WHEREAS, motions for appointment of lead plaintiff and lead counsel pursuant to the
 23 PSLRA, 15 U.S.C. § 78u-4(a)(3) will be filed with the Court;

24 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort
 25 by the parties to this action and the Court prior to filing of the motion(s) for appointment of Lead
 26 Plaintiff, the parties to this action have agreed, in the interim prior to the appointment of Lead
 27 Plaintiff and subject to the Court’s approval, to the continuance of the Initial Case Management
 28 Conference and an extension of time for Defendants to respond to the Complaint or any

1 superseding Complaint; and

2 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,
 3 arguments, or defenses otherwise available to the parties to this action, including, but not limited
 4 to, the right to revisit the timing of the below-referenced pleadings and motions once Lead
 5 Counsel has been designated by the Court.

6 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
 7 stipulate as follows:

- 8 1. Defendants shall have no obligation to respond to the Complaint filed in the
 9 above-captioned action;
- 10 2. Lead Plaintiff(s) shall have sixty (60) days after entry of an order appointing Lead
 11 Plaintiff(s) to file and serve a consolidated or amended complaint (“Consolidated
 12 or Amended Complaint”) or to notify Defendants that they shall be proceeding on
 13 the original Complaint;
- 14 3. Defendants shall file and serve any answer or other response within sixty (60)
 15 days of service of the Consolidated or Amended Complaint or after notification
 16 by the Lead Plaintiff(s) that they shall be proceeding on the original Complaint;
- 17 4. Lead Plaintiff(s) shall file and serve any opposition to Defendants’ motion to
 18 dismiss within forty-five (45) days of service of the motion to dismiss;
- 19 5. Defendants shall file and serve a reply brief in support of the motion to dismiss
 20 within thirty (30) days of service of any opposition brief;
- 21 6. Oral argument on Defendants’ motion to dismiss will be held at such date and
 22 time as the parties shall agree upon prior to filing the motion to dismiss, or on
 23 such other date and time as the Court shall order;
- 24 7. Defendants agree to waive service of process to the extent that service has not
 25 been effected on all Defendants. This stipulation shall not be deemed to waive
 26 any defense other than as to the sufficiency of service of process;
- 27 8. The parties agree that discovery in the above-captioned action shall be stayed
 28 pursuant to the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-

4(b)(3)(B), until the Court issues an order resolving Defendants' motion to dismiss. This does not preclude Lead Plaintiff from issuing requests that the Defendants undertake efforts to preserve relevant documents; and

9. The Initial Case Management Conference, currently scheduled for July 12, 2013, is hereby adjourned to: (a) thirty (30) days after Defendants file an answer; (b) sixty (60) days after (i) the Court rules on Defendants' motion to dismiss and (ii) Lead Plaintiff(s) inform the Court that they will not further amend their Complaint; or (c) to such other date and time as this Court shall order. Until the date of such Case Management Conference, the stay of discovery shall stay in place, subject to the parties' right to seek to lift the stay pursuant to 15 U.S.C. § 78u-4(b)(3)(B).

DATED: April 19, 2013

LABATON SUCHAROW LLP

LATHAM & WATKINS LLP

By: /s/ Michael W. Stocker
Michael W. Stocker

By: /s/ Peter A. Wald
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Inc., Larry Hsu, Arthur A. Koch, and Bryan M.
Reasons

2 *Counsel for Plaintiff Haverhill Retirement
3 System*

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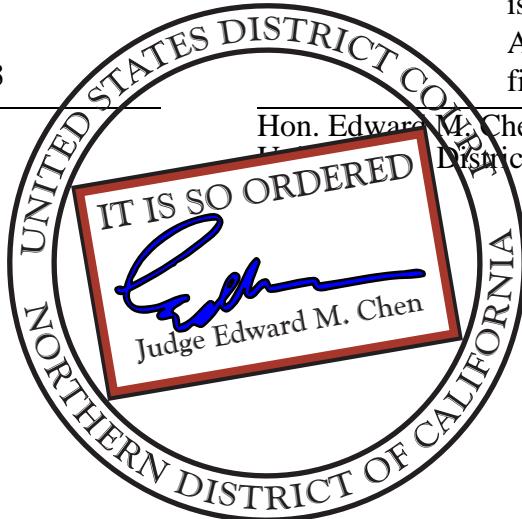
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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DATED: 4/25/13

The case management conference
is reset for 11/7/13 at 9:00 a.m.
A joint cmc statement shall be
filed by 10/31/13.



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SIGNATURE ATTESTATION

I am the ECF User whose identification and password are being used to file the foregoing Stipulation and [Proposed] Scheduling and Rescheduling Initial Case Management Conference Order. Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Peter A. Wald, attest that concurrence in the filing of this document has been obtained.

DATED: APRIL 19, 2013

/s/ Peter A. Wald
Peter A. Wald (Bar No. 85705)